

THE LAW OFFICE OF
ELISA HYMAN, P.C.

April 25, 2024

VIA ECF

Honorable Dale E. Ho, U.S.D.J.
United States District Court - Southern District of New York
40 Foley Square
New York, New York 10007

Re: *J.Z., et al., v. N.Y.C. Dep't of Educ., et al.*, 23-cv-9779 (DEH)

Dear Judge Ho:

I represent the Plaintiffs in the above-referenced case and write jointly with counsel for the Defendants to submit this letter respectfully requesting a stay of discovery and the deadlines in the Case Management Plan (“CMP”) in this matter.

Pursuant to Your Honor’s Order, the parties submitted a proposed Case Management Plan that Your Honor subsequently endorsed. ECF Nos. 15, 22. Although the parties built-in an initial 45-day window before the start of discovery to focus on the preliminary injunction and the provision of the Students’ services, it now appears that we need more time to resolve the immediate issue, as the parties are awaiting Your Honor’s decision on the preliminary injunction motion and the Plaintiffs are still waiting for the services to be provided. Thus, the parties respectfully request a 30-day stay of the CMP to continue to focus on the urgent issue of the provision of services. In particular, Plaintiffs require additional time to determine whether to seek leave to amend the complaint in light of ongoing pendency issues in J.Z.’s current administrative hearing. Pursuant to the CMP, Plaintiffs’ motion for leave to amend is due no later April 29, 2024. ECF No. 22. As noted above, a 30-day stay of the CMP would (hopefully) allow time for resolution of the provision of the Students’ services and the preliminary injunction motion before additional motions are filed. If the stay is granted, Plaintiffs’ motion for leave to amend would now be due no later than May 29, 2024. This is the parties’ first request for an extension of the CMP deadlines. At this time, the parties are not scheduled to appear before the Court until December, 2024. ECF No. 22.

Plaintiffs submit the following update as to the Students’ services. A.F.’s speech and feeding therapy did not begin on April 22, 2024 because the therapist cancelled because she was sick. The therapist will now begin May 1, 2024 when schools resume after the break. As of today’s date, A.F. and E.S. are still not receiving their stay-put pendency feeding therapy, speech therapy, occupational therapy or vision education services, as applicable to each student. Because the Department of Education is closed this week, Defendants are unable to verify this or provide any update.

Thank you for Your Honor's consideration of this joint request.

Respectfully Submitted,
THE LAW OFFICE OF ELISA HYMAN, P.C.

By: _____
Erin O'Connor, Esq., Of Counsel
Counsel for Plaintiffs

cc: All counsel of record via ECF

Application GRANTED. All deadlines listed in the case management plan and scheduling order (ECF No. 22) are hereby STAYED for thirty days. The post-discovery conference scheduled to take place on December 5, 2024, at 10:30 a.m. (E.T.) will instead take place on **January 16, 2024, at 10:30 a.m. (E.T.)**. The parties shall dial 646-453-4442, enter the meeting code 691352552, and press pound (#). The parties' joint status letter shall be submitted by **January 9, 2024**. SO ORDERED.

The Clerk of Court is respectfully requested to terminate ECF No. 33.



Dale E. Ho
United States District Judge
New York, New York
Dated: April 26, 2024